

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

HOSEA LEE ROBINSON,

Plaintiff,

v.

STATE OF MISSOURI, et al.,

Defendants.

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No. 1:23-CV-00056 SRW

MEMORANDUM AND ORDER

This closed matter is before the Court brought post-appeal by plaintiff Hosea Robinson. The current motion before the Court is titled, “Motion and Relevant Facts of Laws to be Enforced Under Above and Following Laws for Grounds Setforth [sic] Herein.” [ECF No. 35].

Background

Plaintiff, an inmate at Southeast Correctional Center (SECC), filed the instant action pursuant to 42 U.S.C. § 1983 on April 13, 2023, against the State of Missouri, Circuit Attorney Kim Gardner and Public Defender Andrew Mossman. [ECF No. 1]. Plaintiff alleged that he was convicted in state court based on fabricated evidence and perjured testimony.

On June 26, 2023, the Court dismissed this case pursuant to 28 U.S.C. § 1915(g), the “three strikes” rule, as plaintiff had filed three prior cases with this Court while he was incarcerated that had been dismissed as frivolous, malicious or for failure to state a claim. [ECF Nos. 9 and 10]. Plaintiff appealed the dismissal of this action to the Eighth Circuit Court of Appeals, and the Court of Appeals dismissed his appeal for failure to pay the full filing fee. *See Robinson v. Stange*, No. 23-2759 (8th Cir. 2023). The mandate was entered on October 20, 2023. *Id.* Despite the entry of the mandate, petitioner filed a motion to compel as to why his appellate filing fee should not be

waived on September 13, 2023, as well as a petition for rehearing *en banc*. The Court of Appeals denied both motions on October 13, 2023. *Id.* Thus, on October 19, 2023, the Eighth Circuit issued a second mandate in the case in accordance with the final judgment. *Id.*

On December 12, 2023, plaintiff submitted a second appeal in this action to the Court of Appeals relative to the denial of the post-judgment motion issued by this Court on November 21, 2023. *See* ECF Nos. 21 and 22. On February 23, 2024, the Eighth Circuit Court of Appeals dismissed plaintiff's appeal for failure to pay the full filing fee. *See Robinson v. Stange*, No. 23-3680 (8th Cir. 2024). Plaintiff moved for rehearing *en banc*, and his motion was denied on April 3, 2024. *Id.* The mandate was issued on April 10, 2024. *Id.* Plaintiff filed the instant post-appellate motion before the Court on August 6, 2024. [ECF No. 35].

Discussion

Although the Court has reviewed plaintiff's motion in its entirety, it is difficult to discern the relief he is requesting before this Court. To the extent he seeks to reopen the present matter, the Court declines to do so. This matter was closed on June 26, 2023, and plaintiff has not provided a reason to reopen the present matter. Additionally, as noted in the Court's Memorandum and Order entered on June 26, 2023, plaintiff is a three-striker and required to pay the full filing fee unless he is able to show that he is in imminent danger of a serious physical injury at the time of filing. He failed to do so at the outset of the present lawsuit, and thus, his action was dismissed pursuant to § 1915(g). Finally, to the extent plaintiff requests any other relief in this motion, it is denied.


Accordingly,

IT IS HEREBY ORDERED that plaintiff's post-dismissal motion in this closed matter [ECF No. 35] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff shall not be allowed to file any additional matters in this closed case. **Any additional filings shall be returned to him and shall not be docketed in the instant matter.**

IT IS FURTHER ORDERED that an appeal of this Order shall not be taken in good faith.

Dated this 17th day of September, 2024.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE